

## Message Text

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY PM/SAS: RWSMITH:LD

APPROVED BY PM - MR. GELB

L/PM - MR. MICHEL

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INR - MR. SARRIS(SUBSTANCE

ACDA - MR. HARKAVY

DOD/ISA - CAPT. STEELE (SUBS

H - MR. JENKINS

PM/SAS - MR. WINSHIP

C - MR. HOPPER S/S:JE THYDEN

-----038766 021657Z /42

R 020222Z JUL 77

FM SECSTATE WASHDC

TO AMEMBASSY BELGRADE

INFO AMEMBASSY ADDIS ABABA

USCINCEUR

S E C R E T STATE 154598

EXDIS MILITARY ADDEES HANDLE AS SPECAT EXCLUSIVE

E.O. 11652: GDS

TAGS: MASS, YU, ET, US

SUBJECT: ALLEGED YUGOSLAV TRANSFER OF M-47 TANKS TO  
ETHIOPIA

REF: (A) BELGRADE 4316 (B) BELGRADE 4238

1. DEPARTMENT APPRECIATES YOUR THOUGHTFUL ANALYSIS OF M-47  
QUESTION. WE AGREE THAT IT IS DIFFICULT TO LAY OUT MEAN-  
INGFUL OPTIONS UNTIL YOU RECEIVE MINIC'S REPLY. NO MATTER

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WHAT THE GOY EXPLANATION TURNS OUT TO BE, THIS CASE WILL  
LIKELY BE HARDER TO HANDLE IN A RATIONAL FASHION THAN  
SIMILAR INCIDENTS, PARTICULARLY IF THE YUGOSLAV RESPONSE  
IS NEGATIVE OR HALF-HEARTED. FOLLOWING IS BRIEF REVIEW OF  
HOW WE HAVE HANDLED PREVIOUS CASES, AS YOU REQUESTED  
EARLIER (REF B).

2. OF ALL THE REPORTS OF UNAUTHORIZED THIRD-PARTY TRANSFERS THAT WE HAVE INVESTIGATED IN THE PAST FOUR YEARS, WE HAVE CONFIRMED AND REPORTED TO CONGRESS ONLY THREE WHERE SIGNIFICANT US DEFENSE ARTICLES WERE INVOLVED.

A) ON JUNE 27, 1975, WE REPORTED TO THE CONGRESS IN UNCLASSIFIED LETTERS THAT IRAN HAD TRANSFERRED TO THE SUDAN FOUR SMALL PATROL BOATS. THE IRANIANS HAD TOLD US THEIR FAILURE TO OBTAIN PRIOR USG CONSENT WAS ENTIRELY INADVERTENT AND HAD ASSURED US SUCH AN INCIDENT WOULD NOT RECUR. WE TOLD THE CONGRESS THAT IN OUR VIEW IRAN'S ACTIONS HAD NOT CONSTITUTED A "SUBSTANTIAL VIOLATION" WITHIN THE MEANING OF APPLICABLE US LAW. THE CONGRESS DID NOT OBJECT TO THAT FINDING.

B) ON OCTOBER 16, 1975 WE REPORTED TO THE CONGRESS ON AN UNCLASSIFIED BASIS ABOUT THE TRANSFER BY LIBYA OF SEVEN F-5A AIRCRAFT TO TURKEY, AN INCIDENT THAT HAD BEEN REPORTED IN THE PRESS AND ON WHICH WE HAD RECEIVED CONGRESSIONAL ENQUIRIES. WE PROTESTED TO THE LIBYANS, POINTING OUT TO THEM THAT THEIR FAILURE TO CONFORM WITH RESTRICTIONS ON THE TRANSFER OF US-SUPPLIED MILITARY EQUIPMENT WOULD BE TAKEN INTO ACCOUNT IN OUR CONSIDERATION OF ANY FUTURE REQUESTS BY THE LIBYAN GOVERNMENT TO PURCHASE MILITARY ITEMS FROM THE US. THERE WAS NO CONGRESSIONAL ACTION.

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C) IN THE SUMMER OF 1976, ISRAEL TRANSFERRED TO HONDURAS EIGHT FRENCH-ORIGIN SUPER MYSTERE JET FIGHTERS POWERED BY US ENGINES. WHEN QUERIED, THE ISRAELIS SAID THEIR FAILURE TO SEEK USG CONSENT WAS INADVERTENT, AND THEY EXPRESSED THEIR REGRETS. WE REPORTED THE INCIDENT TO THE CONGRESS ON JANUARY 17, 1977 IN CLASSIFIED LETTERS AND SAID THAT WE CONSIDERED THE ISRAELI EXPLANATION TO BE SATISFACTORY. THE CONGRESS DID NOT SEEK TO APPLY STATUTORY SANCTIONS.

3. YOU WILL NOTE THAT A COMMON ELEMENT IN THE ABOVE CASES IS AN OPEN ADMISSION OF THE TRANSACTION BY THE TRANSFERORS, AND, EXCLUDING LIBYA WHERE OUR RELATIONS AND INFLUENCE WERE AND ARE MINIMAL, A REASONABLE EXPLANATION AND ASSURANCES THAT SUCH INCIDENTS WILL NOT BE REPEATED.

4. YOU WILL ALSO NOTE FROM THE ABOVE CASES THAT WE DID NOT REPORT TO THE CONGRESS UNTIL WE HAD INVESTIGATED AND DISCUSSED THE MATTER WITH THE TRANSFERRING GOVERNMENTS. WHILE NEW SUBSECTION 3(E) OF THE ARMS EXPORT CONTROL ACT

(AECA) REQUIRES THE PRESIDENT TO REPORT "IMMEDIATELY" UPON THE RECEIPT OF "ANY INFORMATION" REGARDING AN UNAUTHORIZED TRANSFER, WE HAVE IN THE PAST INFORMED APPROPRIATE COMMITTEE STAFFERS THAT IT IS OUR INTENT TO ATTEMPT TO AUTHENTICATE REPORTS OF ALLEGED VIOLATIONS AND IF POSSIBLE RESOLVE SUCH INCIDENTS THROUGH DIPLOMATIC CHANNELS BEFORE REPORTING TO THE CONGRESS. PREMATURE PUBLICITY COULD, HOWEVER, REQUIRE US TO SUBMIT AN INTERIM REPORT TO THE CONGRESS BEFORE OUR DISCUSSIONS ARE COMPLETED.

5. THE POSSIBLE OPTIONS IN THESE CASES DEPEND UPON WHETHER OR NOT THE PRESIDENT, OR THE CONGRESS, DETERMINES THAT A "SUBSTANTIAL VIOLATION" HAS OCCURRED WITHIN THE SECRET

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MEANING OF THAT TERM IN THE AECA AND THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED. SUCH A DETERMINATION, IF MADE, REQUIRES THE MANDATORY SANCTIONS SPELLED OUT IN THOSE ACTS. IN THE ABSENCE OF SUCH A DETERMINATION, THE USG CAN OF COURSE APPLY SANCTIONS AS A MATTER OF ADMINISTRATIVE DISCRETION.

6. PROVIDED YOU DO NOT CITE THE NAMES OF COUNTRIES, YOU MAY AT YOUR DISCRETION DRAW ON ANY INFORMATION CONTAINED IN PARAS 2 THROUGH 5 IN FURTHER CONVERSATIONS WITH YUGOSLAVS.

7. WE WOULD APPRECIATE WHATEVER SPECIFIC INFORMATION EMBASSY CAN SUPPLY ON NATURE AND EXTENT OF YUGOSLAV ARMS SALES CONTACTS WITH OTHER WESTERN SUPPLIERS, AS MENTIONED IN REFTEL A. WE ARE SEEKING TO COMPILE DATA AVAILABLE HERE, BUT WOULD APPRECIATE ANYTHING FURTHER YOU MAY HAVE. CHRISTOPHER

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## Message Attributes

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**To:** BELGRADE  
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